

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALEXANDRIA MARIE WALKER,

Plaintiff,

v.

Case No. 17-cv-1462-pp

SARAH COOPER,

Defendant.

**ORDER DISMISSING CASE BASED ON PLAINTIFF'S
FAILURE TO DILIGENTLY PROSECUTE**

On July 27, 2018, the defendant filed a motion for summary judgment. Dkt. No. 17. The court's March 9, 2018 scheduling order notified the plaintiff that if the defendant filed such a motion, the plaintiff had to file her response "within 30 days of service of the motion." Dkt. No. 16 at 1. The plaintiff did not respond within thirty days as required by that order, and by Civil Local Rule 56(b)(2). Even though the plaintiff did not comply with the court's order and the local rule, on October 2, 2018, the court issued an order giving the plaintiff another opportunity to respond to the defendant's motion. Dkt. No. 23. The court warned the plaintiff that if she did not file her response materials in time for the court to receive them by the end of the day on November 2, 2018, the court would conclude that she did not want to proceed with her case, and it would dismiss the case without prejudice and without further notice to her. Id. (citing Civil L.R. 41(c)). The November 2, 2018 deadline has passed, and the plaintiff has not responded to the motion for summary judgment.

When she filed her complaint in October 2017, the plaintiff was at Taycheedah Correctional Institution in Fond du Lac, Wisconsin. Dkt. No. 1. On January 26, 2018, mail that the court had sent to her at Taycheedah was returned to the court, and the clerk's office found out from the Wisconsin Department of Corrections Inmate Locator web site that she had been released to supervision. Dkt. No. 14. The plaintiff never notified the court of her release, or gave the court an address where it could send her important documents. In the last ten months, the plaintiff never has contacted the court about this case. The last time the court heard from the plaintiff was in December of last year. When the court sent its scheduling order on March 9, 2018, it sent it to the plaintiff's state probation agent; the court also sent the October 2, 2018 order to the probation agent. Despite the court's efforts, the plaintiff has not participated any further in her own lawsuit. The court concludes that she no longer wants to pursue it.

The court **DISMISSES** this case without prejudice based on the plaintiff's failure to diligently prosecute it. Civil L.R. 41(c) ("Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice. Any affected party may petition for reinstatement of the action within 21 days.")

Dated in Milwaukee, Wisconsin, this 19th day of November, 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Court Judge